



APPLICATION ACCEPTED: May 15, 2013
BOARD OF ZONING APPEALS: July 31, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 24, 2013

STAFF REPORT

VARIANCE APPLICATION NO. VC 2013-MA-005

MASON DISTRICT

APPLICANT/OWNER: Guimar E. Cordova
SUBDIVISION: Eliza Pinkett Est
STREET ADDRESS: 3711 Munson Road, Falls Church, 22041
TAX MAP REFERENCE: 61-4 ((22)) 6
LOT SIZE: 10,768 square feet
ZONING DISTRICT: R-3
ZONING ORDINANCE PROVISIONS: 18-401
VARIANCE PROPOSAL: To permit construction of addition 10.34 ft. from front lot line and accessory storage structure greater than 200 sq. ft. in size.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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Rebecca Homer

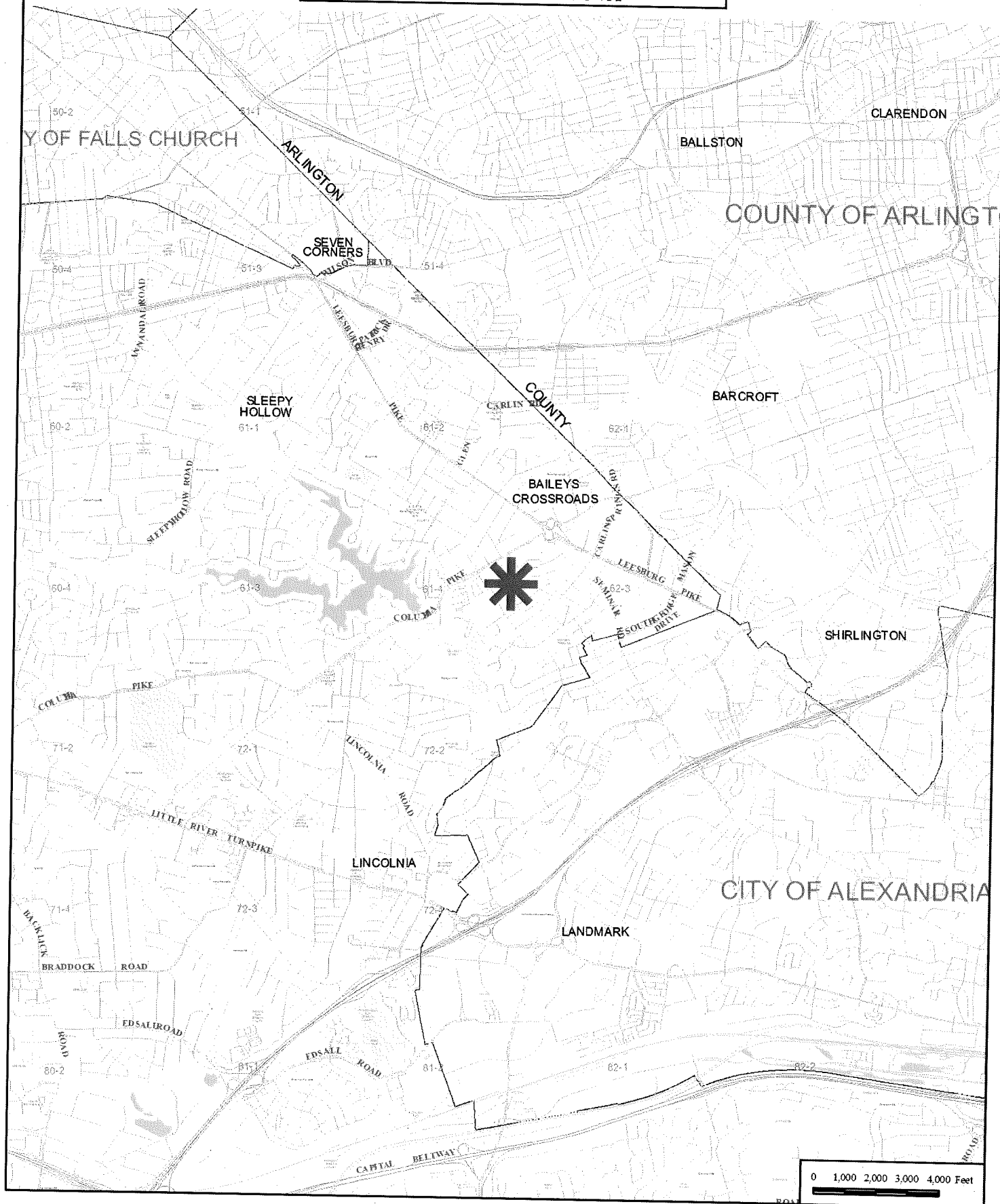
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



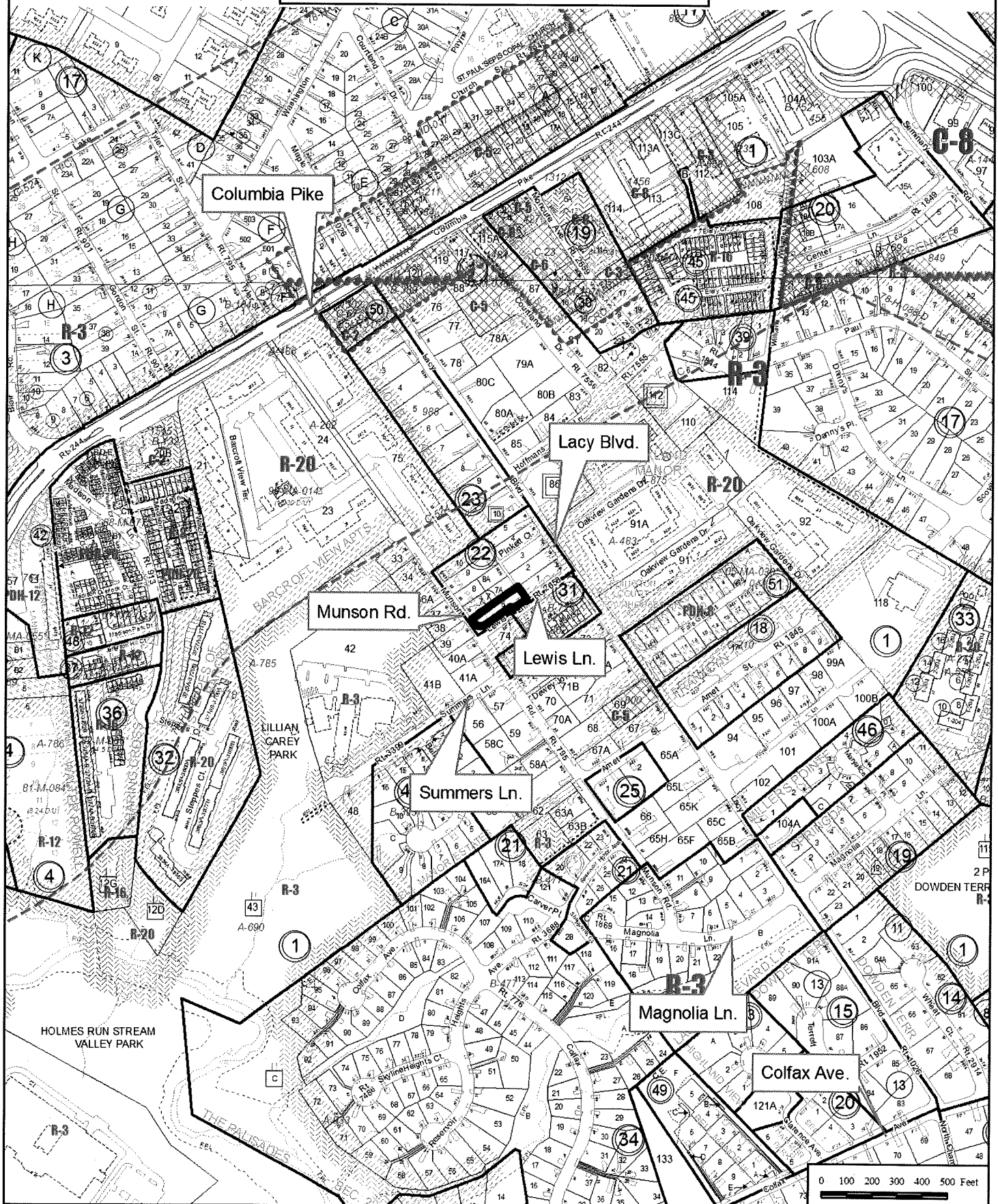
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Variance Application

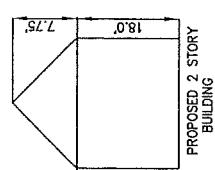
VC 2013-MA-005
GUIMAR E. CORDOVA



VC 2013-MA-005
GUIMAR E. CORDOVA



COMMONWEALTH OF VIRGINIA
 MIRALI MIRTAGHAVI
 Lic. No. 026456
 PROFESSIONAL ENGINEER

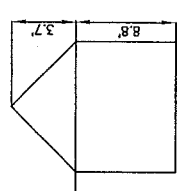


PROPOSED BUILDING SETBACK TABLE (ZONE R-3)

	REQUIRED (MIN.)	PROVIDED (MIN.)
FRONT TO MUNSON RD	30'	12.33'
TO LEWIS LN	30'	12.33'
SIDE LOT 1	12'	116.31'
LOT 7 & LOT 7A	12'	12.00'

BUILDING SETBACK TABLE FOR PROPOSED EAVE (ZONE R-3)

	REQUIRED (MIN.)	PROVIDED (MIN.)
FRONT TO MUNSON RD	27'	10.33'
TO LEWIS LN	27'	10.33'
SIDE LOT 1	9'	114.31'
LOT 7 & LOT 7A	9'	10.00'



DATE OF CONSTRUCTION 1925

BUILDING SETBACK TABLE FOR EXISTING BUILDING (ZONE R-3)

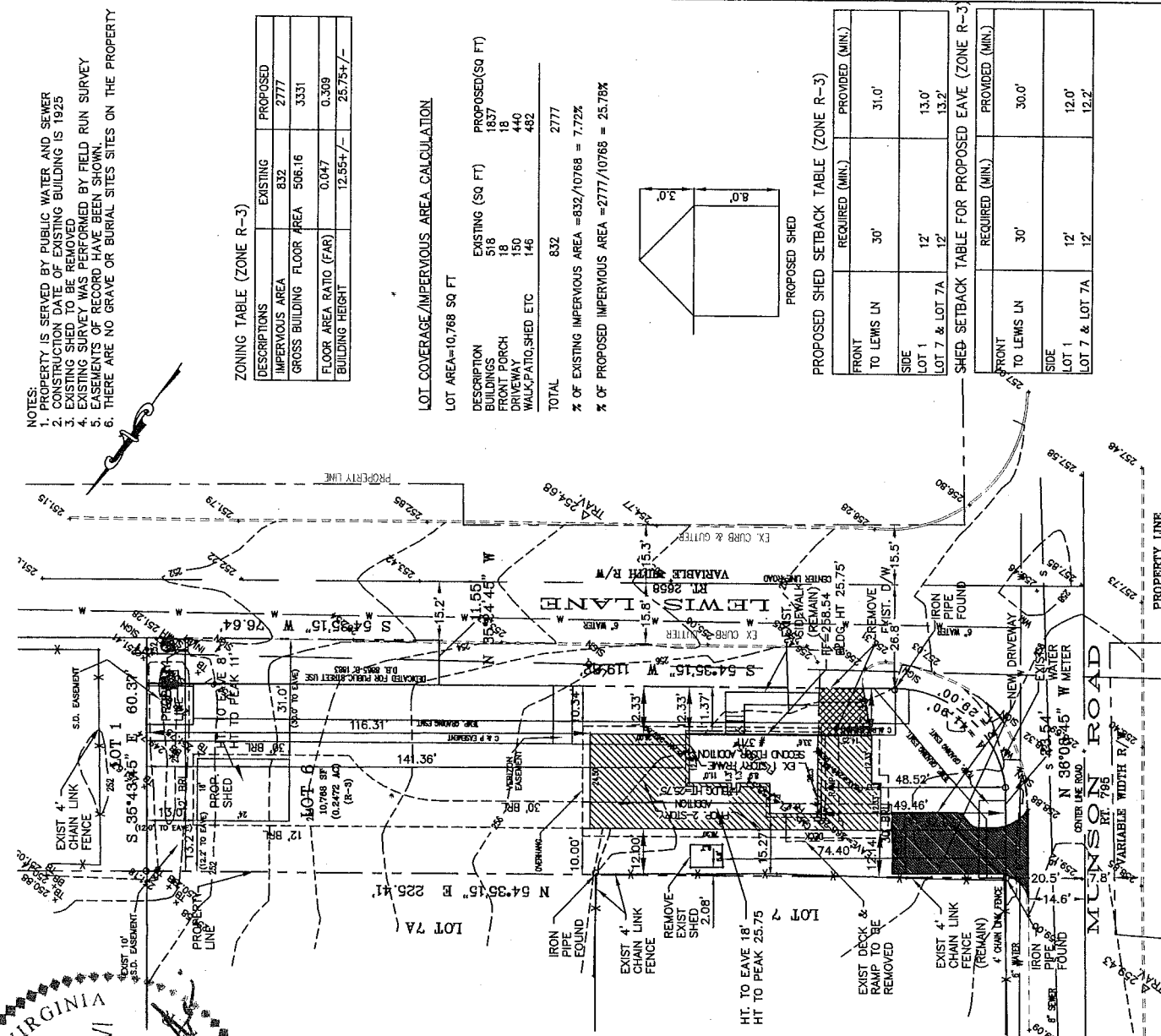
	REQUIRED (MIN.)	EXISTING (MIN.)
FRONT TO MUNSON RD	30'	49.46'
TO LEWIS LN	30'	12.33'
SIDE LOT 1	12'	142.36'
LOT 7 & LOT 7A	12'	16.27'

BUILDING SETBACK TABLE FOR EXISTING EAVE (ZONE R-3)

	REQUIRED (MIN.)	EXISTING (MIN.)
FRONT TO MUNSON RD	30'	48.52'
TO LEWIS LN	30'	11.37'
SIDE LOT 1	12'	141.36'
LOT 7 & LOT 7A	12'	15.27'

VARIANCE PERMIT PLAT

LOT 6
 3711 MUNSON ROAD, FALLS CHURCH
 MASON DISTRICT #1
 FAIRFAX COUNTY, VIRGINIA 22041



SCALE: 1" = 20'

- NOTES:
1. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER
 2. CONSTRUCTION DATE OF EXISTING BUILDING IS 1925
 3. EXISTING SHED TO BE REMOVED
 4. EXISTING SURVEY WAS PERFORMED BY FIELD RUN SURVEY
 5. EASEMENTS OF RECORD HAVE BEEN SHOWN.
 6. THERE ARE NO GRAVE OR BURIAL SITES ON THE PROPERTY

ZONING TABLE (ZONE R-3)

DESCRIPTIONS	EXISTING	PROPOSED
IMPERVIOUS AREA	832	2777
GROSS BUILDING FLOOR AREA	506.16	3331
FLOOR AREA RATIO (FAR)	0.047	0.309
BUILDING HEIGHT	12.854'/-	25.754'/-

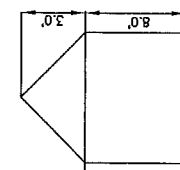
LOT COVERAGE/IMPERVIOUS AREA CALCULATION

LOT AREA=10,768 SQ FT

DESCRIPTION	EXISTING (SQ FT)	PROPOSED(SQ FT)
BUILDINGS	518	1837
FRONT PORCH	18	18
DRIVEWAY	150	440
WALK/PATIO/SHED ETC	146	482
TOTAL	832	2777

% OF EXISTING IMPERVIOUS AREA = 832/10768 = 7.72%

% OF PROPOSED IMPERVIOUS AREA = 2777/10768 = 25.76%



PROPOSED SHED SETBACK TABLE (ZONE R-3)

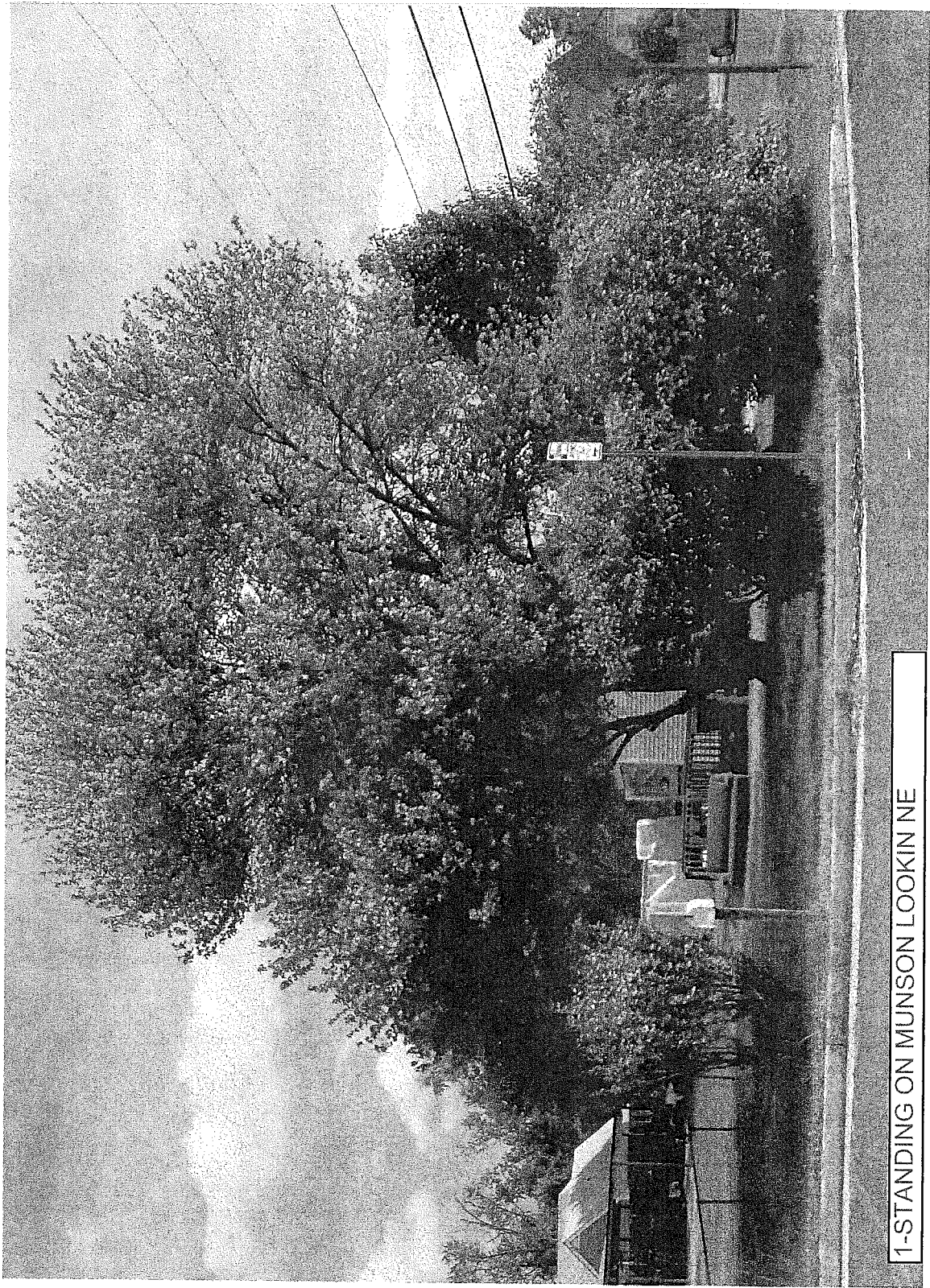
	REQUIRED (MIN.)	PROVIDED (MIN.)
FRONT TO LEWIS LN	30'	31.0'
SIDE LOT 1	12'	13.0'
LOT 7 & LOT 7A	12'	13.2'

SHED SETBACK TABLE FOR PROPOSED EAVE (ZONE R-3)

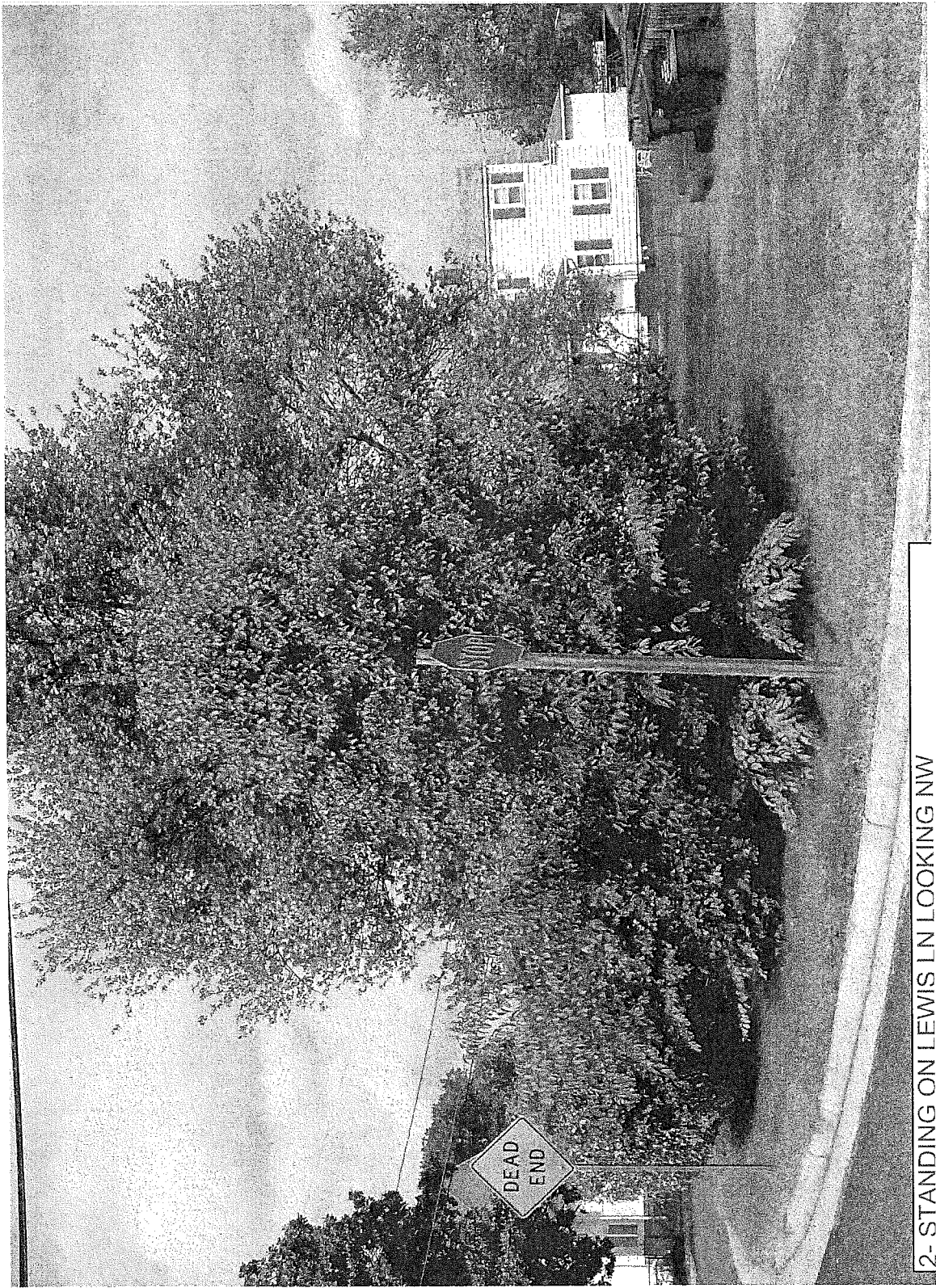
	REQUIRED (MIN.)	PROVIDED (MIN.)
FRONT TO LEWIS LN	30'	30.0'
SIDE LOT 1	12'	12.0'
LOT 7 & LOT 7A	12'	12.2'

LANDPLAN ASSOCIATES, INC.
 966 HUNGERFORD DRIVE, SUITE 6A
 ROCKVILLE, MARYLAND 20850
 TEL: (301) 279-8980
 WWW.LANDPLANASSOCIATES.COM

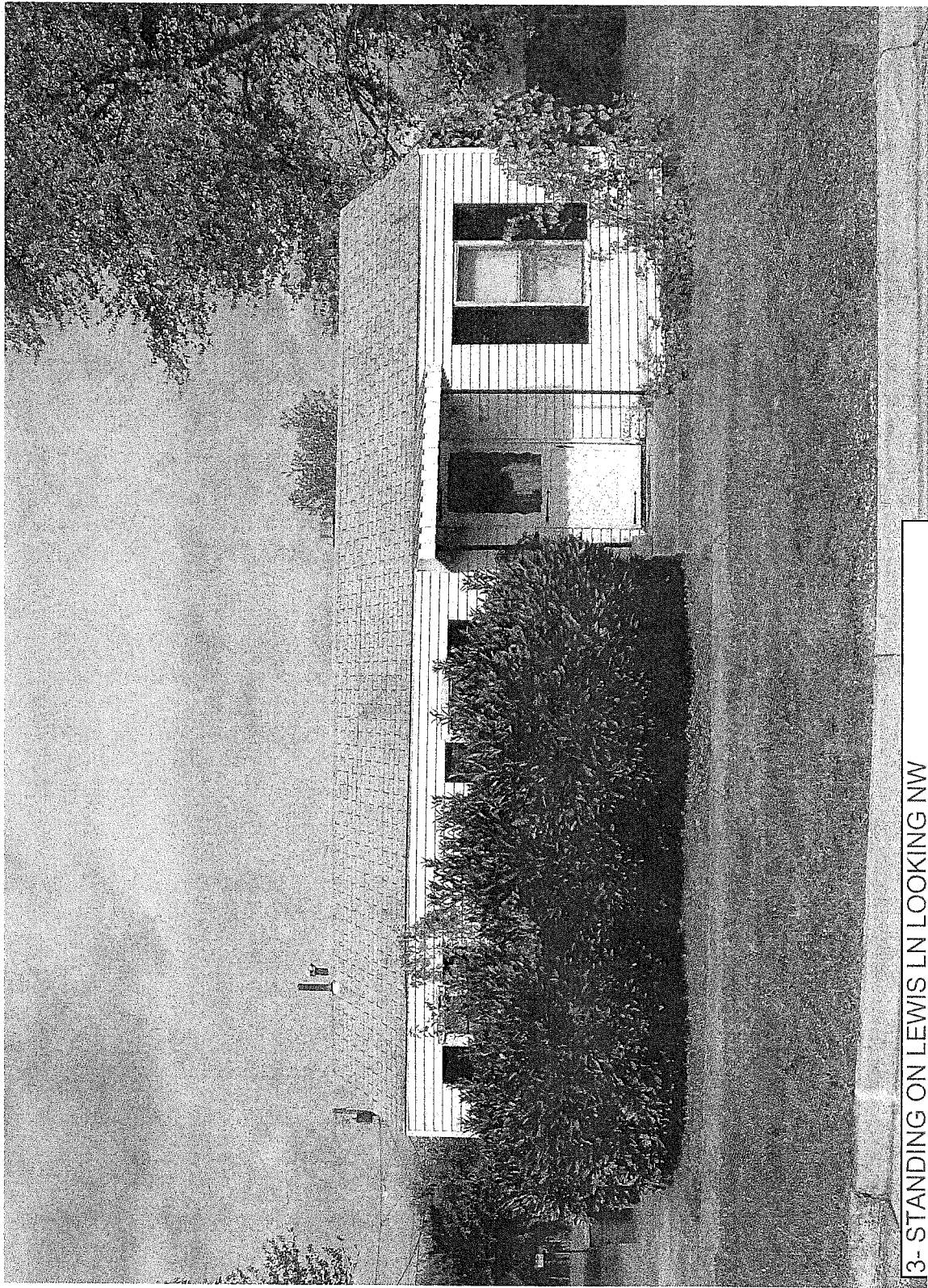
VARIANCE APPLICATION PLAT
 ELIZA PINKETT EST LT 6
 3711 MUNSON ROAD
 MASON DISTRICT #1
 FAIRFAX COUNTY, VIRGINIA



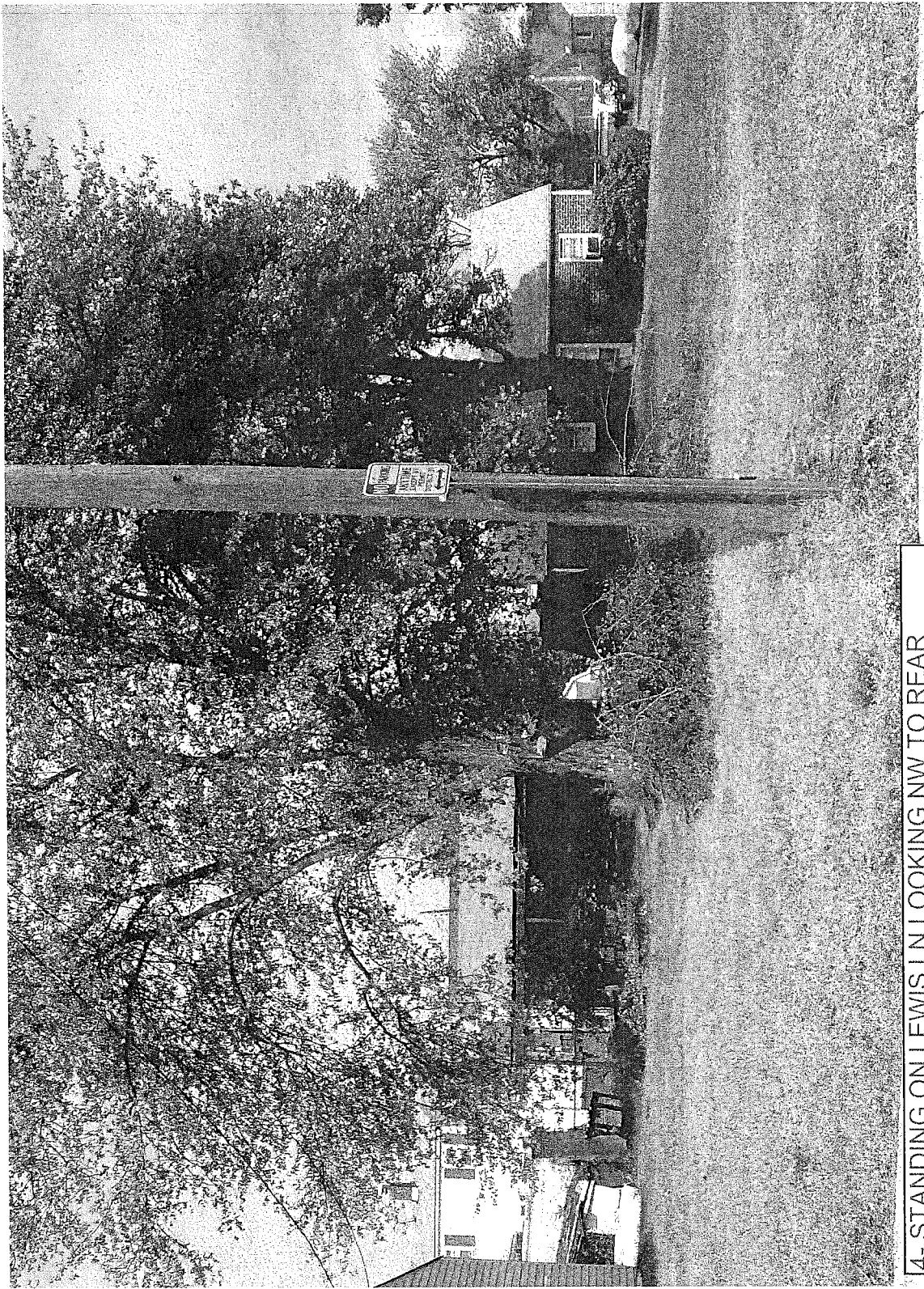
1-STANDING ON MUNSON LOOKIN NE



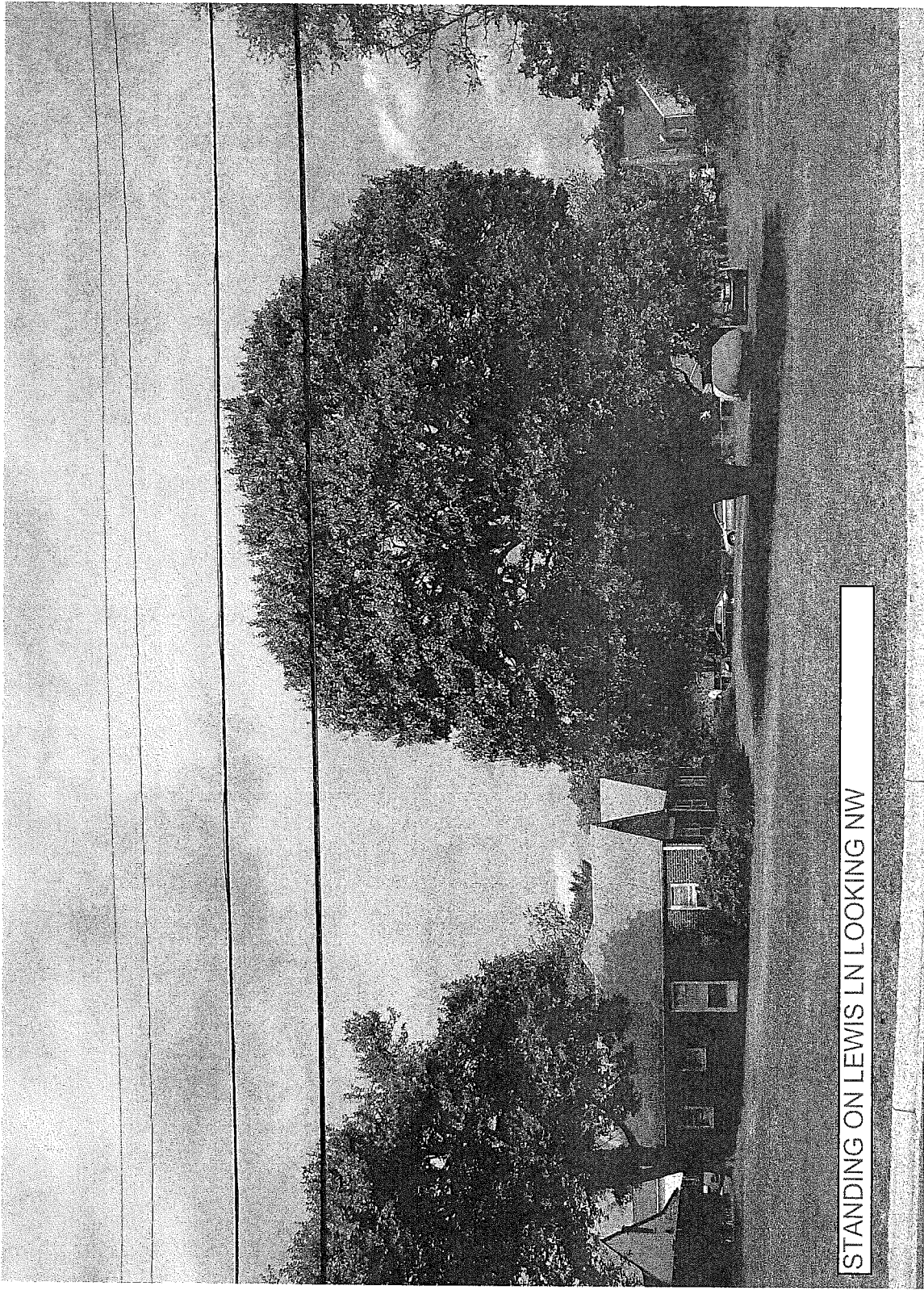
2- STANDING ON LEWIS LN LOOKING NW



13- STANDING ON LEWIS LN LOOKING NW



4- STANDING ON LEWIS LN LOOKING NW TO REAR





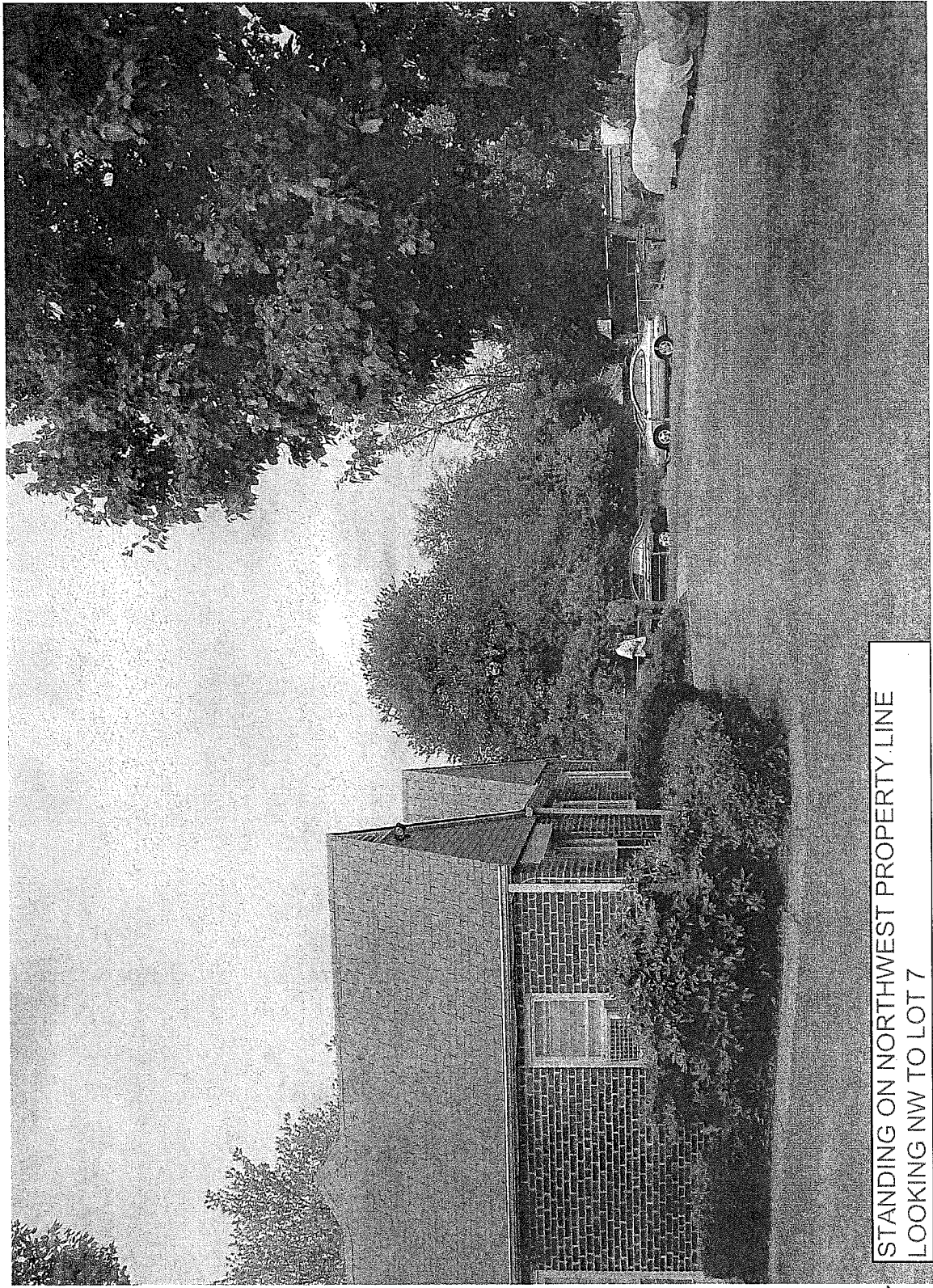
6- STANDING ON REAR PROPERTY LINE LOOKING SW



7-ADJACENT PROPERTY IN THE BACK OF THE LOT
(LOT 1)

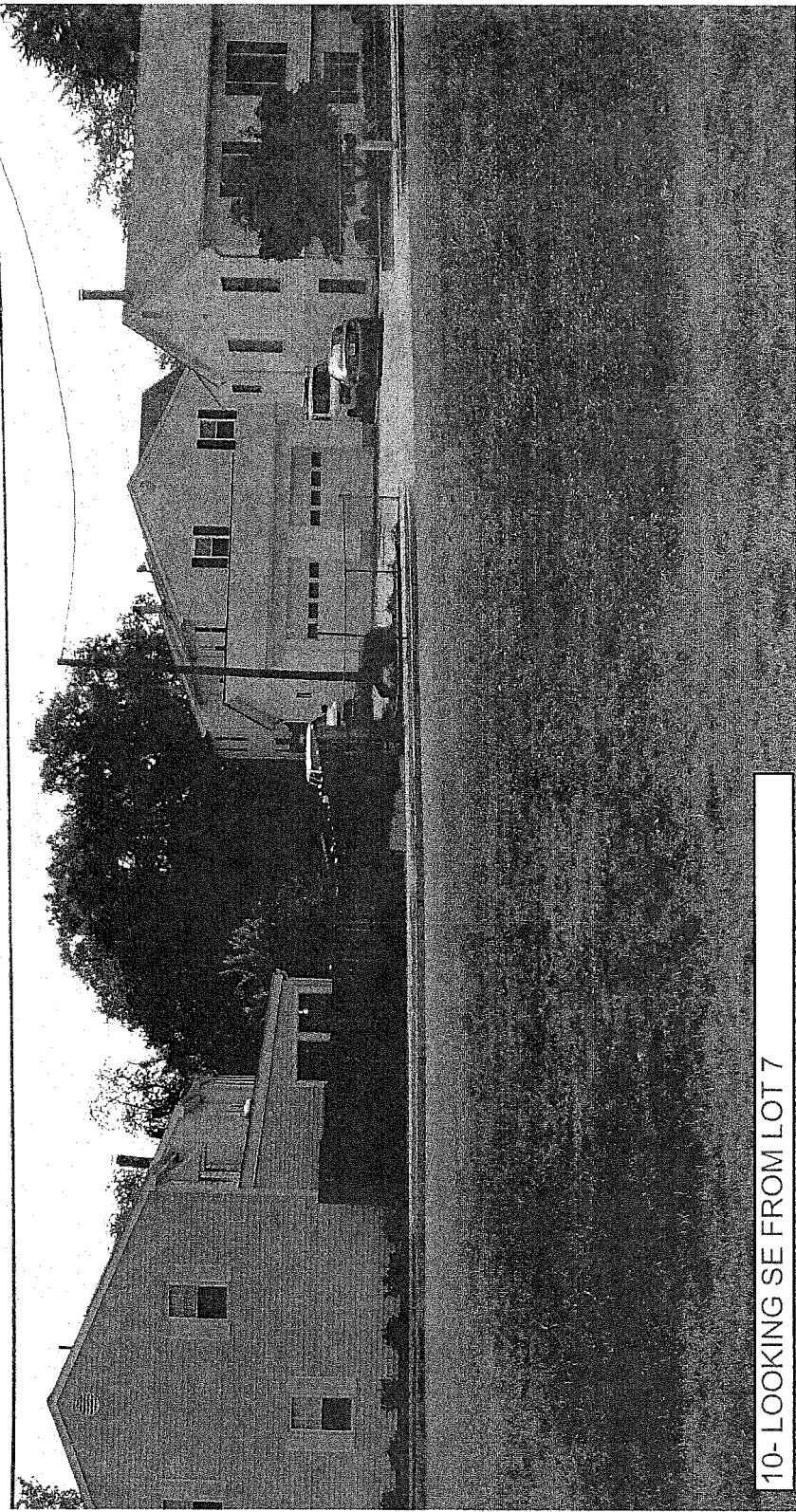


8-STANDING ON LOT 7 LOOKING SE

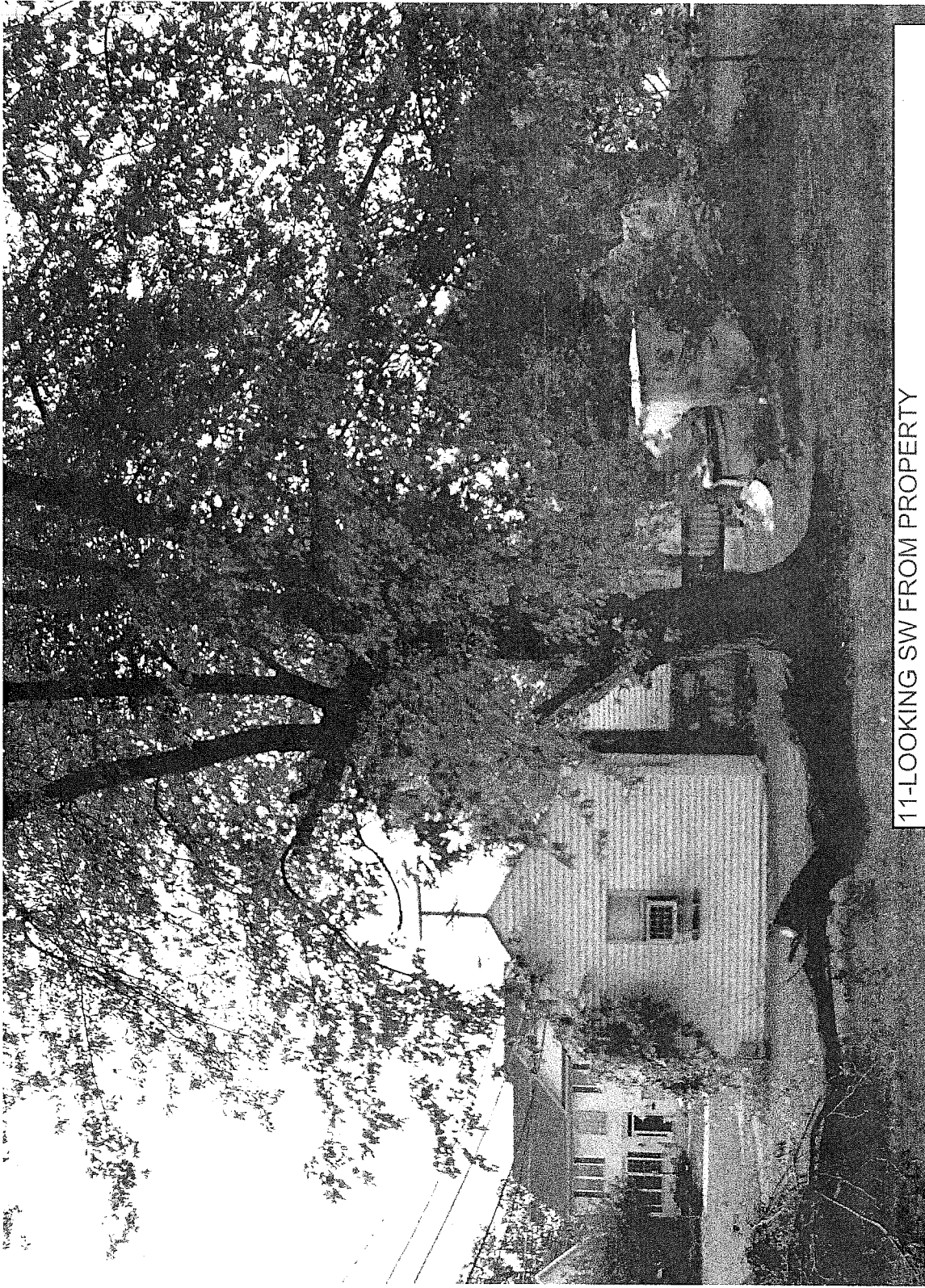


STANDING ON NORTHWEST PROPERTY LINE
LOOKING NW TO LOT 7

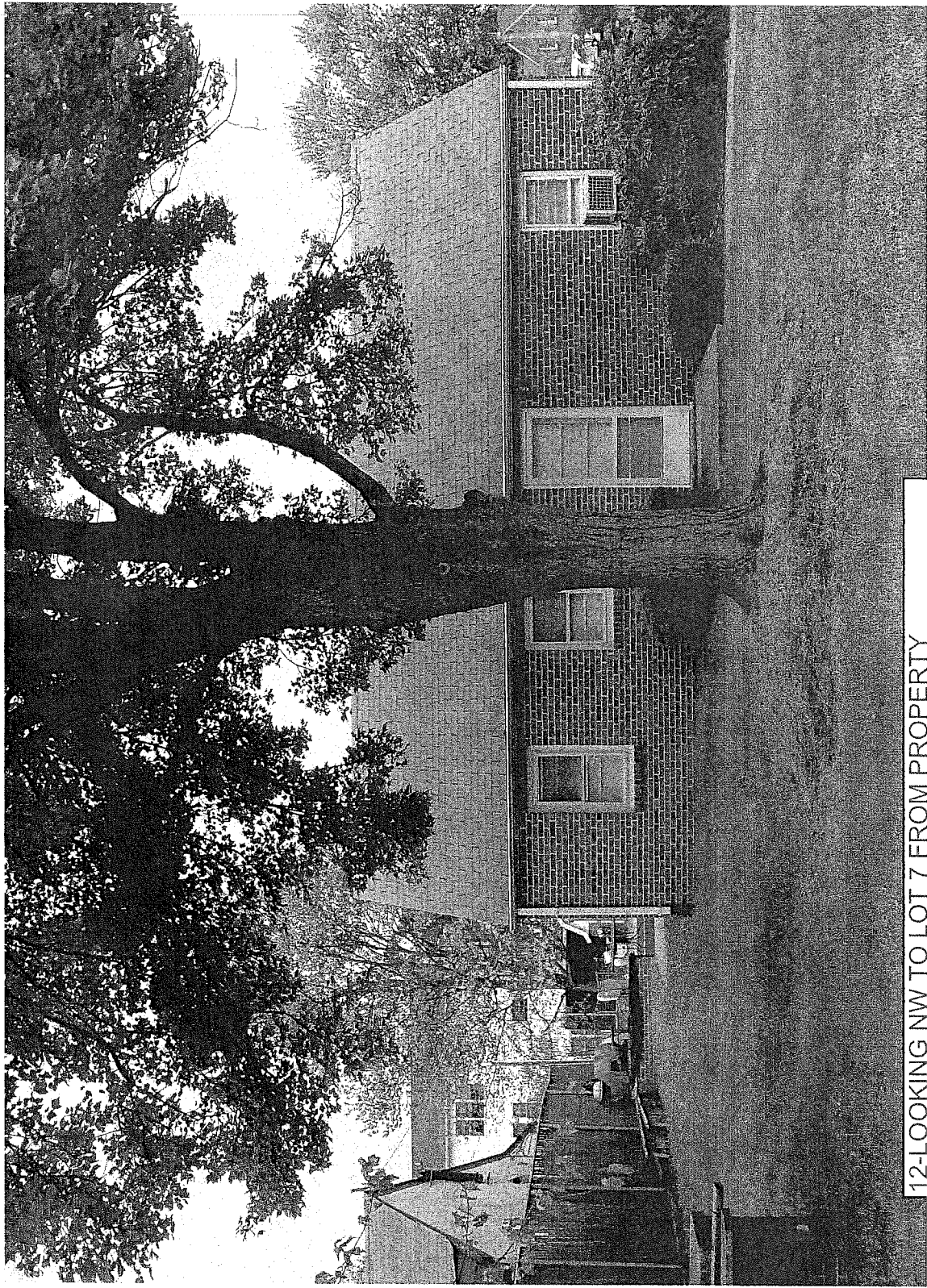
9-



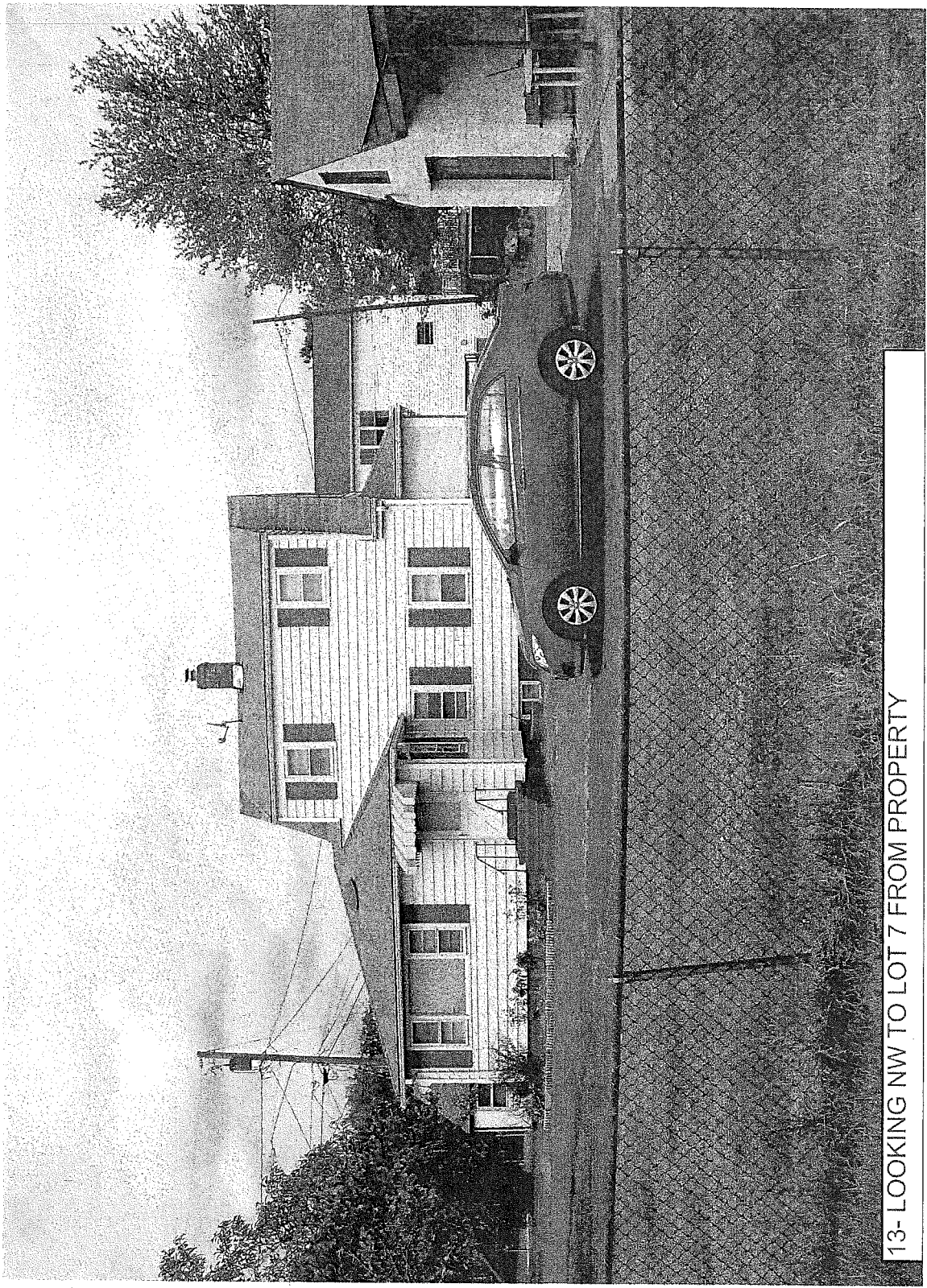
10- LOOKING SE FROM LOT 7



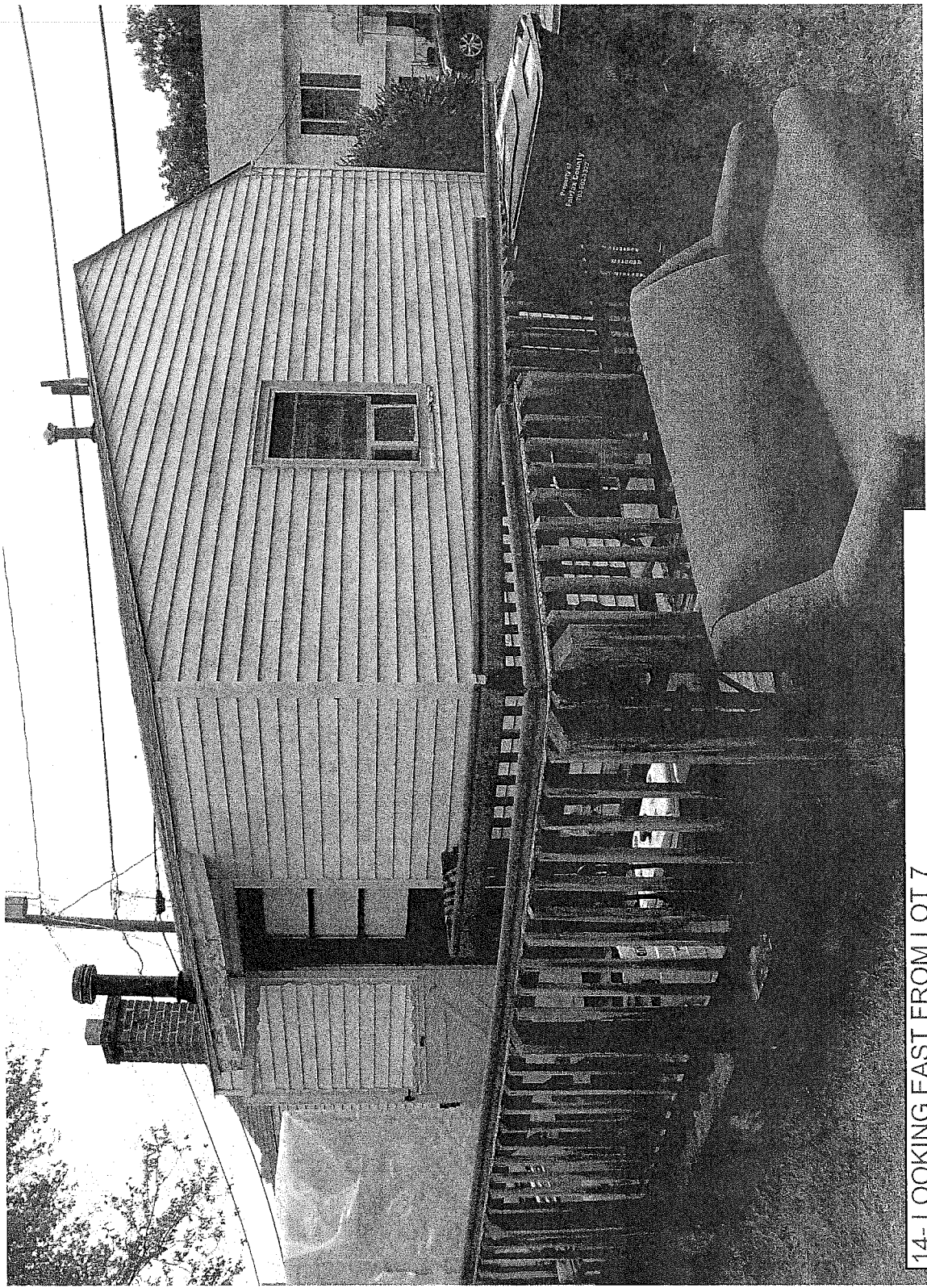
11-LOOKING SW FROM PROPERTY



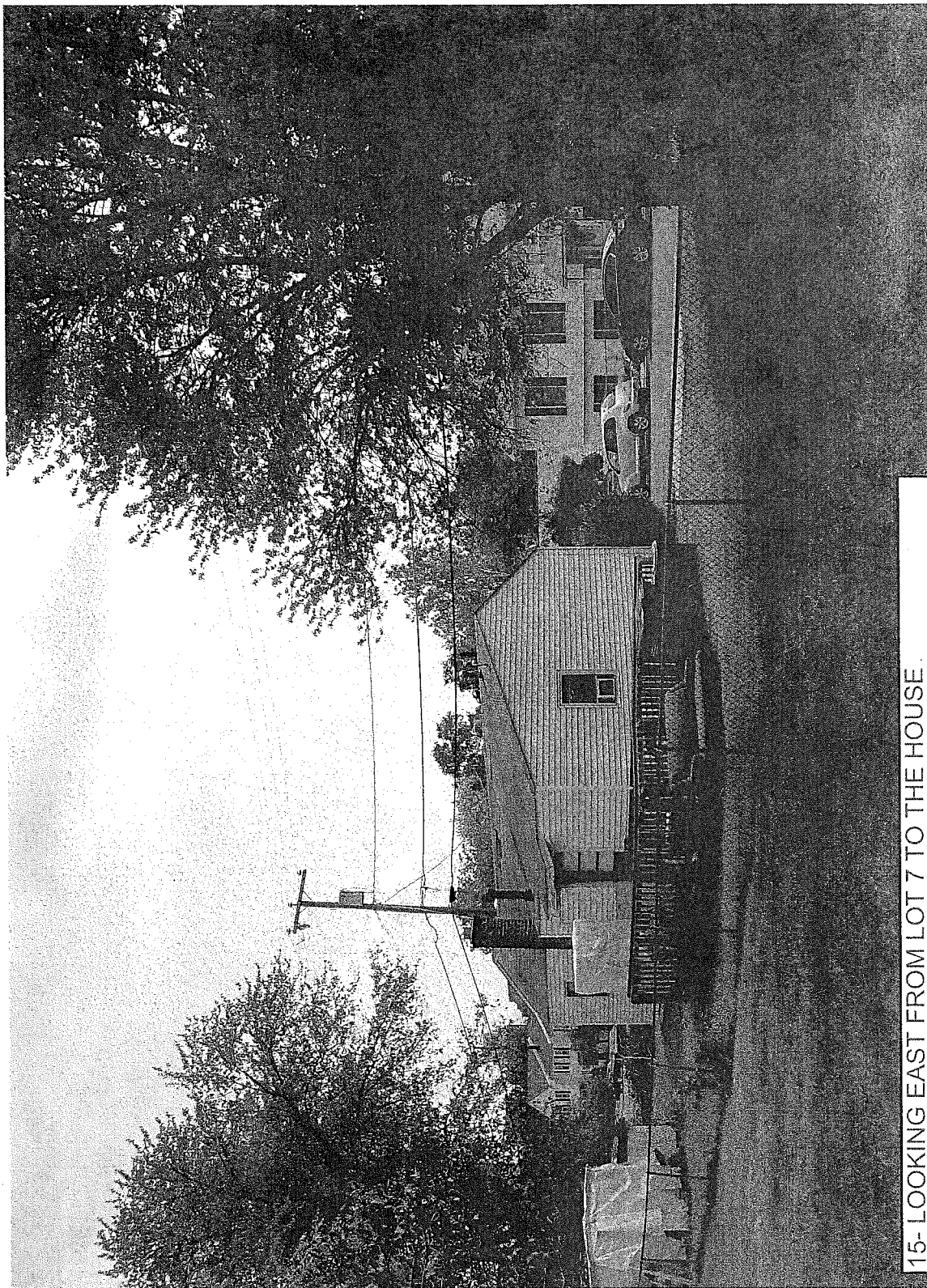
12-LOOKING NW TO LOT 7 FROM PROPERTY



13- LOOKING NW TO LOT 7 FROM PROPERTY



14- LOOKING EAST FROM LOT 7



15- LOOKING EAST FROM LOT 7 TO THE HOUSE.

DESCRIPTION OF THE APPLICATION

The applicant requests two separate variances. The first request is for a variance to allow construction of an addition to be located 10.34 feet from the front lot line adjacent to Lewis Lane. The applicant proposes to construct an approximately 2,825 square foot addition onto an existing 506 square foot single family dwelling.

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
Variance #1	Addition	Front	30 feet	10.34 feet	19.66 feet	65.5%

* According to Sect. 3-307.

The second request is to allow construction of an accessory storage structure greater than 200 square feet in size. The applicant proposes to construct an 11.0 foot tall shed, measuring approximately 384 square feet in area, to be located 12.0 feet from the rear lot line and 12.2 feet to the side lot line.

	Structure	Area	Maximum Area Permitted*	Proposed Increase	Percent of Increase
Variance #2	Accessory Storage Structure	384 Sq. ft.	200 Sq. ft.	185 Sq. ft.	48.1 %

*According to Sect. 10-102.

EXISTING SITE DESCRIPTION

The application property is developed with an existing 506 square foot single-family detached dwelling. A walkway extends from the driveway adjacent to the western side of the existing dwelling. A handicap ramp extends from the existing driveway to the rear of the dwelling.

The corner lot has frontage on both Lewis Lane and Munson Road and currently takes access to Lewis lane via a driveway.

An existing shed, which is proposed to be removed, is located in the side yard north of the existing dwelling.

The lot is fairly level and contains several mature trees, shrubs and foundation plantings. A four foot tall chain-link fence, which appears to belong to a neighboring

property owner, is located on the side lot line adjacent to the neighboring Lot 7. A 10 foot wide storm drain easement is located in the rear yard adjacent to the rear lot line. A Verizon easement extends off Lewis Lane near the eastern corner of the proposed addition. A temporary grading easement is located at the corner of the property adjacent to Munson Road and Lewis Lane.

CHARACTER OF THE AREA

	Zoning	Use
North	R-3	Single family detached dwellings
South	R-3	Single family detached dwellings
East	R-3	Single family detached dwellings
West	R-3	Single family detached dwellings

BACKGROUND

According to tax records, the existing dwelling was constructed in 1925, with an addition built in 1962. The applicant purchased the property in 2012.

Following the adoption of the current Ordinance, the BZA has heard the following variance request in the vicinity of the application parcel:

- Variance VC 92-M-031 was approved on July 1, 1992, for tax map 61-4 ((30)) 21, zoned R-3, located at 3537 Moncure Avenue, to allow construction of addition (porch) 25 feet from street line of a corner lot..

DESCRIPTION OF APPLICATION

The applicant indicates they would like to expand the footprint of the existing dwelling and add a second story. The variance plat indicates the applicant proposes to remove the existing driveway and construct a new driveway which takes access to Munson Road. The applicant did not provide architectural elevations of the proposed addition.

Comments from the Urban Forest Management Division indicate that the application may require an infill lot grading plan, which would require the applicant to comply with

the full measure of the Tree Conservation Plan requirements. It appears that the two major trees on site are proposed or have already been removed. Full comments are contained in Appendix 4.

Comments from the Site and Inspection Division of the Department of Public Works and Environmental Services indicates that if the disturbed area is more than 2,500 square feet, the applicant would need to submit a grading plan. It appears that proposed impervious area is more than 18% which requires Best Management Practices (BMP). The BMP can be addressed during the grading plan submission. Full comments are contained in Appendix 5.

The Virginia Department of Transportation indicated the driveway entrance should be on Lewis Lane rather than Munson Road. The current location of the driveway entrance violates the current curb cut entrance standard on a public street, which shall not be less than 30 feet, unless otherwise approved by the Director. Full comments are contained in Appendix 6.

A copy of the variance plat titled "Variance Application Plat, Eliza Pinkett Est Lt 6, 3711 Munson Road", prepared by Landplan Associates, Inc., dated January 13, 2013, signed by Mirali Mirtaghavi, Professional Engineer, is included at the front of the staff report.

ZONING ORDINANCE REQUIREMENTS (See Appendix 7)

- Sect. 18-401 Required Standards for Variances

Summary of Zoning Ordinance Provisions

This variance application must satisfy all of the nine (9) enumerated requirements contained in Sect. 18-404, Required Standards for Variances. If the BZA determines that a variance can be justified, it must then decide the minimum variance, which would afford relief as set forth in Sect. 18-405. A copy of these provisions is included as Appendix 4.

CONCLUSION

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

APPENDICES

1. Proposed Variance Development Conditions
2. Applicant's Affidavits
3. Applicant's Statements of Justification
4. Urban Forest Management Comments
5. Stormwater Comments
6. Transportation Comments
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

VC 2013-MA-005

July 24, 2013

1. This variance is approved for the maximum size and location within the building envelope of the addition and accessory storage structure, as shown on the plat prepared by Landplan Associates, Inc., dated January 13, 2014, signed by Mirali Mirtaghavi, Professional Engineer, as submitted with this application and is not transferable to other land.
2. All applicable building permits and final inspections shall be obtained for the addition and accessory storage structure.
3. Notwithstanding that which is shown on the variance plat, the driveway entrance is not approved. Approval for the driveway entrance shall be determined by the Virginia Department of Transportation.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards including requirements for building permits.

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the variance.

The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/13/13
 (enter date affidavit is notarized)

I, Guimar E. Cordova, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

119625

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
GUIMAR E. CORDOVA	3711 MUNSON ROAD FALLS CHURCH, VA 22041	Applicant/Title Owner

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/13/13
(enter date affidavit is notarized)

119625

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

N/A

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/13/13
(enter date affidavit is notarized)

119625

- 1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

N/A

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/13/13
(enter date affidavit is notarized)

119625

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04/13/2013
(enter date affidavit is notarized)

119625

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant

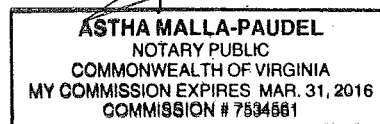
☐ Applicant's Authorized Agent

GUIMAR E. CORDOVA

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 13th day of April, 2013, in the State/Comm. of Virginia, County/City of Arlington.

My commission expires: March 31st, 2016



STATEMENT OF JUSTIFICATION FOR VARIANCE APPLICATION

The applicant is proposing an addition to his existing house at 3711 Munson Rd., Falls Church. The existing house is a small one story house built in 1925 and used as residence and the proposed house will also be used as the applicant's residence. The facade will be 4 inch vinyl siding on wood studs frame with fiberglass asphalt shingles. Applicant proposes an addition to the footprint of existing house and a second story addition.

The proposed development conforms to the provisions of all applicable ordinances except for the following:

Applicant is requesting a special exception to front yard requirement of 30 feet on Lewis Lane of Section 3-307, 2A(1)(a) of zoning regulations. The proposed design of the addition provides 12.3 feet of front yard on Lewis Lane.

The lot is a narrow corner lot. The existing house is very small and in order to get a livable house on this lot it is impossible to provide 30 foot setback on Lewis Lane. The current setback on Lewis Lane is 12.3 feet and applicant proposes to keep the same line of setback for the proposed addition

Section 18-404

1. The subject property was purchased by the applicant last year.

2. The subject property has the following characteristics:

A. Exceptional narrowness at the effective time of the ordinance.

The existing property is a corner lot and the existing home was built in 1925. The lot at the point where the existing house is located is 48.82 ft. wide. Current ordinance requires 30 ft. setback on Lewis Lane and 12 ft. side setback for a total of 42 ft. The lot being 48.82 ft. wide it leaves 6.82 ft. to build an addition to the house. The front setback of existing house on Lewis Lane is 12.3 ft.

B. N/A

C. N/A

D. N/A

E. N/A

F. An extraordinary situation or condition of the subject property.

The existing house is a very small one story house (only 518 square feet).

G. N/A

3. The situation of the subject property is not of a nature that reoccurs often since the lot has exceptional narrowness, has an existing small house and is a corner lot.

4. The strict application of the ordinance would produce undue hardship due to the fact the existing house is small and not livable and would render the property worthless and cause extreme financial hardship on the applicant.

5. Since the situation with this house does not reoccur often in the area it does not cause undue hardship on other properties.

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6.

A. That the strict application of the zoning would render the property unusable since the existing house is only 518 square feet.

B. The granting of a variance would alleviate the financial hardship of the property being worthless.

7. The authorization of the variance will not be of substantial detriment to the adjacent properties since the proposed house meets the setback requirement bordering adjacent properties. The variance is for the front setback only.

8. The character of the zoning district will not be changed by granting of the variance since the situation of the property does not often reoccur with other properties.

9. The variance for the front setback of the proposed addition will follow the front setback of the existing house and will not change the look and characteristics of existing neighborhood. The new building and renovation will improve the look of the property. It will not cause any problems contrary to public interest.

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SPECIAL EXCEPTION STATEMENT OF JUSTIFICATION

A. Type of Operation, Single Family Dwelling

B. N.A.

C. N.A.

D. N.A.

E. N.A.

F. N.A.

G. Applicant proposes an addition to the footprint of existing house and a second story addition.

H. No know hazardous material on site.

I. Applicant is requesting a special exception to front yard requirement of 30 feet on Lewis Lane of Section 3-307, 2A(1)(a) of zoning regulations. The proposed design of the addition provides 12.3 feet of front yard on Lewis Lane.

The lot is a narrow corner lot. The existing house is very small and in order to get a livable house on this lot it is impossible to provide 30 foot setback on Lewis Lane. The current setback on Lewis Lane is 12.3 feet and applicant proposes to keep the same line of setback for the proposed addition.

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County of Fairfax, Virginia

MEMORANDUM

DATE: July 1, 2013

TO: Rebecca Horner, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Jay Banks, Urban Forester II
Urban Forest Management-Forest Conservation Branch
Department of Public Works and Environmental Services

SUBJECT: 3711 Munson Road, Lot 6, VC 2013-MA-005

I have reviewed the above referenced Variance application stamped as received by the Department of Planning and Zoning on March 29, 2013.

General Comment:

A review of the full scope of the proposed addition would drive this application into a more involved submission to deal with the amount of grading needed to construct the addition. This may become an Infill Lot Grading Plan which will then require the applicant to comply with the full measure of the Tree Conservation Plan Requirements.

JSB/

UFMDID #: 182282

cc: DPZ File

Department of Public Works and Environmental Services
Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes



Horner, Rebecca D.

From: Dhakal, Thakur P.
Sent: Thursday, July 11, 2013 3:36 PM
To: Horner, Rebecca D.
Subject: VC 2013-MA-005, 3711 Munson Road

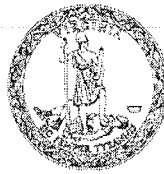
Rebecca,

I reviewed the above mentioned application. If the disturbed area is more than 2500 square feet the applicant would need to submit a grading plan. It appears that the proposed impervious area is more than 18% which requires BMP. The BMP can be addressed during the grading plan submission.

Please let me know if you have any questions.

Thank you,

Thakur Dhakal
703 324 1698



COMMONWEALTH of VIRGINIA
DEPARTMENT OF TRANSPORTATION

GREGORY A. WHIRLEY
COMMISSIONER

4975 Alliance Drive
Fairfax, VA 22030
July 10, 2013

To: Ms. Barbara Berlin
Director, Zoning Evaluation Division

From: Paul Kraucunas
Virginia Department of Transportation – Land Development Section

Subject: VC 23013-MA-005
3711 Munson Road
Tax Map # 61-4 ((22))-0006

All submittals subsequent to the first submittal shall provide a response letter to the previous VDOT comments. Submittals without comment response letters are considered incomplete and will be returned without review.

While this appears to be an old application it was only received and reviewed recently. The following comment is provided:

1. In accordance with article 7-0103.4, "no curb cut (entrance) on a public street shall be less than 30 feet from the point of the curb return of the intersecting street unless otherwise approved by the Director." Without such approval the driveway entrance should be on Lewis Lane rather than Munson Road. The current location of the driveway entrance also violates this standard.

If you have any questions, please contact me.

cc: Ms. Angela Rodeheaver
Mr. Michael Davis
Ms. Susan Langdon

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18-404 Required Standards for Variances

To grant a variance the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property; or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.

18-405 Conditions

Upon a determination by the BZA that the applicant has satisfied the requirements for a variance as set forth in Sect. 404 above, the BZA shall then determine the minimum variance that would afford relief. In authorizing such variance the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be met.